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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,359

03/25/2004

Juan M. Perez

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EXAMINER

PAPE, ZACHARY

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,359

Applicant(s)

PEREZ ET AL.

Examiner

Zachary M. Pape

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7,19,21 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8-18,20,22-30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) 4,15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/25/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the key activated lock must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the key activated lock of claims 8 and 22 is not disclosed in the specification.

Appropriate correction is required.

Claim Objections

3. Claim 4 objected to because of the following informalities: lacks antecedent basis. The phrase "The apparatus of claim 2" or is incorrect. It appears that the phrase should be changed to "The apparatus of claim 3". Appropriate correction is required.
4. Claim 15 objected to because of the following informalities: claim 15 improperly depends on claim 16. It appears that the phrase "The apparatus of claim 16" should be changed to "The apparatus of claim 14".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6, 8-12, 14-18, 20, 22-25, 27-30, 32-34 rejected under 35

U.S.C. 102(e) as being anticipated by Alfonso et al. (Patent # 6,836,405). With respect

to claim 1, Alfonso et al. teaches the use of a port control apparatus (44) for restricting access to ports (connected to cables 32) of an electronic device (26), comprising: a housing (44) constructed to lockingly attach to an exterior surface of the device to form an enclosure housing the ports (Column 2, Lines 60-62), wherein formed in the housing is at least one aperture (formed along seam 44e) each associated with at least one port of the device (as illustrated in Fig 6), wherein each at least one aperture is dimensioned to prevent passage of a connector adapted to mate with the at least one associated port while permitting passage of cable bodies integral with any connector mated with an associated port. (As illustrated in Fig 6; Column 3, Lines 53-54)

7. With respect to claim 2, Alfonso et al. further teaches a security mechanism (46) configured to cause the housing to lockingly attach to the device so as to prevent unauthorized access to the enclosure.

8. With respect to claim 3, Alfonso et al. further teaches a base (44c) interlockable with a panel of the device (through feet 44a); and a cover (44b) interlockable with at least one of the base and device (through feet 44a), wherein when interlocked together, the housing base, housing cover and device together form the enclosure, (As illustrated in Fig 6) and wherein the security mechanism (46) is further configured to prevent unauthorized penetration of the housing base, housing cover and device.

9. With respect to claim 4 Alfonso et al. further teaches that the at least one aperture is defined by surfaces of one or more of the base and cover (Seam 44e allows base (44c) and cover (44b) to be separated. The apertures (grooves along seam 44e) are thus defined by the each respective surface of base (44c) and cover (44b)

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10. With respect to claim 6, Alfonso et al. further teaches that the security mechanism comprises: a plurality of tabs (44a) extending from surfaces of at least on one of either the housing base (44c), housing cover (44b) and device that abut surfaces of the other of the housing base, housing cover and device; and a plurality of interlocking apertures (33) formed in the abutting surfaces of the housing base, housing cover and device, wherein each interlocking aperture is adapted to lockingly engage a corresponding one of the plurality of tabs. (Column 3, Lines 48-49)

11. With respect to claim 8, Alfonso et al further teaches that the housing cover (44) further comprises a key- activated lock (46) for securing the housing cover to at least one of the housing base and the electronic device. (In Column 2, Line 61 Alfonso et al. teaches that lock (46) is a Kensington lock. It is well known in the art that a Kensington lock utilizes a key)

12. With respect to claim 9, Alfonso et al. further discloses that the electronic device comprises a computer (Column 2, Lines 16-17).

13. With respect to claim 10, Alfonso et al. further discloses that the electronic device comprises a data storage device (Column 2, Lines 39-43)

14. With respect to claim 11, Alfonso et al. further discloses that the port security apparatus comprises a unibody construction.

15. With respect to claim 12, Alfonso et al. further discloses that at least one of the base (44c) and cover (44b) are constructed integrally with the electronic device (as demonstrated by the tabs (44a) and their ability to attach the housing (44) to the electronic device (26)).

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16. With respect to claim 14, Alfonso et al. further teaches an apparatus (44) for restricting access to at least one port (connected to 32) of an electronic device (26), comprising: a housing (44) constructed to be lockingly engaged to an exterior surface of the electronic device (26) to form a secure enclosure housing the at least one port, wherein formed in the housing is at least one aperture (As defined along seam 44e) each associated with one or more of the at least one port (As illustrated in Fig 6), each aperture being dimensioned to prevent removal of a connector adapted to mate with any of its associated one or more ports while permitting passage of any cable bodies integral with any connector mated to its associated one or more ports. (As illustrated in Fig 6)

17. With respect to claim 15, Alfonso et al. further teaches that the plurality of apertures (along seam 44e) is at least partially aligned with its associated one or more ports when the apparatus is attached to the electronic device. (As illustrated in Fig 6)

18. With respect to claim 16, Alfonso et al. further teaches the use of a security mechanism (46) configured to lockingly attach the port security apparatus to the electronic device so as to prevent unauthorized access to the at least one port housed in the enclosure. (Column 2, Lines 60-62)

19. With respect to claim 17, Alfonso et al. further teaches that a plurality of interlockable walls (44c, and 44b) lockingly attached to each other (along seam 44e) and to the device (through feet 44a and corresponding apertures 33); wherein when interlocked together, the housing base, housing cover and device together form the secure enclosure. (As shown in Fig 6).

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20. With respect to claim 18, Alfonso et al. further teaches that the at least one aperture is defined by surfaces of at least one of the plurality of interlockable walls (The surface of 44c is partially along seam 44e which defines the aperture)

21. With respect to claim 20, Alfonso et al. further teaches that the security mechanism (44) comprises: a plurality of tabs (44a) extending from surfaces of at least one of the plurality of interlocking walls and device that abut surfaces (rear panel which cables 32 abut) of the other of the interlocking walls and device (26); and a plurality of interlocking apertures (33) formed in the abutting surfaces of the interlocking walls and device (26), wherein each interlocking aperture (33) is adapted to lockingly engage a corresponding one of the plurality of tabs. (Column 3, Lines 47-48)

22. With respect to claim 22, Alfonso et al. further teaches that the housing cover (44) further comprises a key activated lock (46) for securing the port security apparatus (44) to the electronic device (26). (In Column 2, Line 61 Alfonso et al. teaches that lock (46) is a Kensington lock. It is well known in the art that a Kensington lock utilizes a key)

23. With respect to claim 23, Alfonso et al. further discloses that the electronic device comprises a computer (Column 2, Lines 16-17).

24. With respect to claim 24, Alfonso et al. further discloses that the electronic device comprises a data storage device (Column 2, Lines 39-43)

25. With respect to claim 25, Alfonso et al. further discloses that the port security apparatus comprises a unibody construction.

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26. With respect to claim 27, Alfonso et al. further teaches that an electronic device, comprising: a chassis (26) comprising a plurality of walls (28, 36, etc.) and a plurality of ports accessibly located on at least one of the plurality of walls to which cables can be connected to operationally couple the electronic device with one or more external devices (32, as illustrated in Fig 2); and a secure enclosure (combination chassis 26 and housing 44) that houses at least one of the plurality of ports, wherein unauthorized access to the operational capabilities of, and data stored in, the electronic device, via the ports, is prevented, wherein the secure enclosure (26, 44) comprises a housing (44) with at least one aperture (as defined along the seam line 44e) associated with at least one of the plurality of ports, wherein each of the at least one aperture is dimensioned to prevent a connector adapted to mate with its associated at least one port from passing through the housing while permitting passage of cable bodies integral with connectors mated with the at least one associated port. (As illustrated in Figs 2 and 6)

27. With respect to claim 28, Alfonso et al. further teaches that the housing comprises: at least two interlocking components (44b and 44c) with at least one aperture formed in at least one of the interlocking components.

28. With respect to claim 29, Alfonso et al. further teaches that the at least one aperture is at least partially aligned with its associated one or more ports. (As illustrated in Fig 6)

29. With respect to claim 30, Alfonso et al. further teaches a security mechanism (46) configured to lockingly attach the housing to the electronic device so as to prevent

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unauthorized access to the at least one port housed in the enclosure. (Column 2, Lines 60-62)

30. With respect to claim 32, Alfonso et al. further discloses that the electronic device comprises a computer (Column 2, Lines 16-17).

31. With respect to claim 33, Alfonso et al. further teaches a port control apparatus for restricting access to ports of an electronic device (within 26), comprising: housing (44) means for lockingly attaching to an exterior surface of the device to form an enclosure housing the ports, wherein the housing means (44) comprises at least one aperture means (as defined along seem line 44e) each associated with at least one port of the device, for preventing passage of a connector adapted to mate with the at least one associated port while permitting passage of cable bodies integral with any connector mated with an associated port. (As shown in Figs 2 and 6)

32. With respect to claim 34, Alfonso et al. further teaches a security means (46) for causing the housing to lockingly attach to the device so as to prevent unauthorized access to the enclosure (Column 2, Lines 60-62).

Claim Rejections - 35 USC § 103

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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34. Claims 13, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Alfonso et al. With respect to claim 13, Alfonso et al. teaches the use of a security device housing (44) but fails to disclose the material from which it is formed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created the housing (44) of any of a group of materials consisting of plastic, thermoplastic, and a metal since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Allowable Subject Matter

1. Claims 5, 7, 19, 21, 31 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. The following is an examiner's statement of reasons for allowance: With respect to claims 5, 7, 19, 21, 31, the claims recite that the security mechanism is constructed to require access to the interior of the device to access the enclosure. Alfonso et al. teaches only that the lock (46) located external of the electrical device be used to access the enclosure. These limitation in combination with all remaining limitations of claims 5, 7, 19, 21, 31, are believe to render the subject matter allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

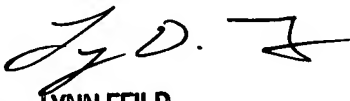
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZMP


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